

1 JEFFREY K. LEE, State Bar No. 212465
2 SALLIE KIM, State Bar No. 142781
3 GCA LAW PARTNERS LLP
1891 Landings Drive
Mountain View, CA 94043
Phone No.: (650) 428-3900
4 Fax No.: (650) 428-3901
E-mail: jlee@gcalaw.com
5 E-mail: skim@gcalaw.com

6 Attorneys for Defendants MARTIN C. LIN,
7 YUSHAN WANG, AKA
SAMANTHA WANG,
8 and IMAGE DEVICE INC.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 ATECH FLASH TECHNOLOGY INC. &
15 SUNUS SUNTEK INC.

16 Plaintiffs,

17 v.

18 MARTIN C. LIN, YUSHAN WANG,
19 A.K.A. SAMANTHA WANG, and IMAGE
DEVICE INC.

20 Defendants.
21
22

No. C07 02949 PVT

ORDER [PROPOSED]

The Hon. Patricia V. Trumbull

23 On July 20, 2007, defendants Martin Lin, Yushan Wang aka Samantha Wang, and
24 Image Device, Inc., moved pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), and
25 12(b)(6), to dismiss the Complaint for Damages filed by plaintiffs Atech Flash Technology, Inc.
26 and Sunus Suntek, Inc. on June 6, 2007.
27
28

1 On Tuesday, September 4, 2007, the motion came before the Honorable Patricia V.
2 Trumbull, United States Chief Magistrate Judge, presiding. Having considered the Defendants'
3 motion, Plaintiff's opposition, Defendants' reply, and the oral arguments presented by counsel
4 for the parties, and good cause appearing,
5

6 IT IS HEREBY ORDERED that the MOTION is GRANTED on the following grounds

- 7 1. This court lacks subject matter jurisdiction over this diversity action; and
8
9 2. Defendant Image Device, Inc. is hereby dismissed on the grounds that the Court
10 has neither general nor specific personal jurisdiction over the company; and
11
12 3. Count I (statutory trade secret misappropriation) is dismissed with prejudice
13 because Plaintiffs alleged "customer list" is not a trade secret under California's
14 Uniform Trade Secrets Act;
15
16 4. Count II (common law trade secret misappropriation), Count IV (intentional
17 interference with economic advantage) and Count V (conspiracy) are dismissed
18 with prejudice because they each are preempted by California's Uniform Trade
19 Secrets Act;
20
21 5. Count II (breach of employment agreement) fails to meet federal pleading
22 requirements and is dismissed on that basis.

23 IT IS SO ORDERED,
24

25 DATED: _____

PATRICIA V. TRUMBULL
UNITED STATES CHIEF MAGISTRATE
JUDGE